



**United States Department of Justice**

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June 25, 2020

**Via CM/ECF**

Hon. Thomas J. McAvoy  
Senior U.S. District Judge  
Federal Building and U.S. Courthouse  
15 Henry Street  
Binghamton, New York 13901

Re: *United States v. Kyle Caton*  
1:19-CR-245 (TJM)  
**Government's Application to Seal Exhibit 3 to Its Opposition to Defendant's  
Motion for a Reduction in Sentence**

Dear Judge McAvoy:

Pursuant to Local Rule 13.1(b), the United States respectfully moves to seal Exhibit 3 to the government's opposition to the defendant's motion for immediate release from home confinement. *See* Dkt. No. 41. Exhibit 3 contains the defendant's medical records, which the government obtained from the U.S. Bureau of Prisons, and in light of the defendant's significant privacy interests in his medical records, sealing is appropriate under *Lugosch v. Pyramid Co. of Onondaga County*, 435 F.3d 110, 119-27 (2d Cir. 2006). A proposed order is set forth below, and the government will serve the defendant with a copy of the medical records contained in Exhibit 3.

Respectfully submitted,

GRANT C. JAQUITH  
United States Attorney

By: /s/ Shira Hoffman  
Shira Hoffman  
Assistant United States Attorney  
Bar Roll No. 518933

cc: Kyle Caton (via FedEx)  
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Letter to Hon. Thomas J. McAvoy

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Following *in camera* review of Exhibit 3, the Court finds that the sealing of Exhibit 3 is appropriate under *Lugosch v. Pyramid Co. of Onodaga County*, 435 F.3d 110, 119-27 (2d Cir. 2006). The defendant's significant privacy interests in his medical records outweigh any countervailing common law and First Amendment rights of access to the records. Exhibit 3 to the government's opposition to the defendant's motion for sentence reduction is accordingly sealed.

IT IS SO ORDERED.

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The Hon. Thomas J. McAvoy  
Senior United States District Judge